IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 23173 of 2007(H)

PETITIONER:

MUHAMMED HAJI,S/O. KUNHIUNNEEN,
OORAKOTTIL HOUSE,P.O. VELLILA,
MANKADA, MANJERI.

BY ADV. SRI.M.M.ABDUL AZIZ (SR.),
ADV. SRI.M.A.ABDUL HAKHIM.

RESPONDENTS:
----

1. **KERALA STATE ELECTRICITY BOARD,**
   VYDHYUTHI BHAVAN, PATTOM,
   TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

2. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL SUB DIVISION,
   K.S.E.B., PULAMANTHOLE,
   MALAPPURAM DISTRICT.

3. **P.K.ALAVI,POTTANKANDATHIL HOUSE,**
   P.O. VELLILA, MANKADA, MANJERI.

4. **P.K.ALAVIKUTTY,**
   PLAMPADIYAN KONDAPPURATH HOUSE,
   P.O. VELLILA, MANKADA, MANJERI.

BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B FOR R1 & R2.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.23173 OF 2007

Dated this the 6th day of November, 2007

JUDGMENT

Petitioner was the second respondent in Ext.P5 proceedings before the Additional District Magistrate under the Electricity Act read with Telegraph Act. Petitioner's son, who was the third respondent in Ext.P5 proceedings, challenged that order before this Court, leading to Ext.P6 judgment. The complaint of the writ petitioner is that under the guise of giving effect to Exts.P5 and P6, the Board officials have drawn the line over the petitioner's property and that in view of Exts.P5 and P6, there was no occasion for him to meet the emergent contingency created by the actions of the Board officials.

2. The short issue that may have to be ultimately decided is as to whether the line has been drawn in violation of the directions contained in Ext.P6 judgment and in Ext.P5 order of the ADM, to the extent it has been modified by Ext.P6 judgment. This is an

issue which is not to be decided by this Court. Ext.P5 decision of ADM having merged in Ext.P6 judgment of this Court, the ADM is the appropriate authority to decide as to whether there had been any violation of the terms of Exts.P5 and P6, by which, the obstruction of the respondents to Ext.P5 proceedings stood regulated.

In the aforesaid circumstances, this writ petition is disposed of without entering on merits and leaving open all the contentions of the petitioner, however, directing that the complaint of the petitioner regarding the infraction of the terms of Exts.P5 and P6 will be considered by the ADM with notice to the Board officials and other necessary parties and a final decision shall be taken as to whether the line has been drawn in terms of Ext.P5 and P6. If the ADM concludes that the line has been drawn in violation of Exts.P5 and P6, appropriate direction shall be issued to the Board officials to rectify the same. Such proceedings shall be commenced by the presentation of a

representation by the petitioner before the ADM with a copy of this judgment and shall be concluded within a period of three months.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.